

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

083039-000000US

U.S. APPLICATION No. (If known, see 37 CFR 1.5)

10/521527

INTERNATIONAL APPLICATION NO.

PCT/AT2003/000068

INTERNATIONAL FILING DATE

March 11, 2003

PRIORITY DATE CLAIMED

July 18, 2002

TITLE OF INVENTION

DEVICE FOR PROCESSING PLASTIC WASTE

APPLICANT(S) FOR DO/EO/US

Franz STARLINGER-HUEMER, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Express Mail Label No. EV332020968US
 Copy of the International Search Report
 Copy of the International Preliminary Examination Report
 Certified Copy of the Priority Document (A1088/2022 filed July 18, 2002)

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/521527		PCT/AT2003/000068		083039-000000US	
21. <input checked="" type="checkbox"/> The following fees are submitted:				Applicant Use	Office use only
<input checked="" type="checkbox"/> a) Basic national fee..... \$300.00				\$ 300	
<input checked="" type="checkbox"/> b) Examination fee \$200.00				\$ 200	
<input checked="" type="checkbox"/> c) Search fee \$500.00				\$ 500	
TOTAL OF ABOVE CALCULATIONS = \$1000.00				\$ 1,000	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	12 - 20 =	0	x \$50.00	\$ 0	
Independent claims	1 - 3 =	0	x \$200.00	\$ 0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,000	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	
Amount to be refunded:					\$
Amount to be charged:					\$ 1,000
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>20-1430</u> in the amount of \$ <u>1,000</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:			SIGNATURE		
J. Georg Seka, Esq.			J. Georg Seka		
Townsend and Townsend and Crew LLP			NAME		
Two Embarcadero Center, Eighth Floor			<u>24,491</u>		
San Francisco, California 94111			REGISTRATION NUMBER		

Rec'd PTO

02 MAR 2005

PATENT #2

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Docket No.: 083039-000000US
Client Ref. No.: St7742

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On March 2, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: *Sherborne Barmon Olsen*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Franz STARLINGER-HUEMER
(deceased) by his widow and heir
Erna STARLINGER-HUEMER,
Angelika HUEMER and Markus
FELLINGER

Int'l Appln. No.: PCT/AT2003/000068

Int'l Filing Date: March 11, 2003

U.S. Application No.: 10/521,527

For: Device for Processing Plastic Waste

Examiner:

Art Unit:

REQUEST FOR REFUND

March 2, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On January 14, 2005, applicant paid the large entity national filing fee of \$1,000.00 as is evidenced by a copy of the postcard which carries a Patent Office date stamp of January 14, 2005.


The above-identified US National Phase application inadvertently did not claim small entity status, although Applicants were entitled to it. It has recently been discovered that such small entity status failed to be established in error due to

inadvertence and without deceptive intent. Therefore, Applicants respectfully request the refund payment be processed and that the error be excused.

Applicants hereby authorize the Commissioner to credit half the fee in the amount of \$500.00 to the undersigned's Deposit Account No. 20-1430. A copy of this document is enclosed.

If the Examiner believes a telephone conference would expedite the granting of the requested credit, please telephone the undersigned at 415.576.0200.

Respectfully submitted,


J. Georg Seka
Reg. No. 24,491

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